

REMARKS

Claims 1-6, 10-11 and 14-27 are pending. Claims 7-9 and 12-13 have been cancelled. Claims 1, 4-6 and 27 have been amended to comply with the scope of the elected subject matter. Applicants reserve the right to pursue the cancelled subject matter in future divisional or continuation applications.

Claim 1 has been amended such that the variable U₃ is oxygen.

In claim 5, the variables Y', T' and X₅ have been amended to delete -S(O)₀- sulfur or (S(O)₀)₀ respectively.

The dependency of claim 19 has been amended.

No issues of new matter should arise and entry of the amendment is respectfully requested.

I. Rejection under 35 U.S.C. § 112

Claims 7-13 and 19-23 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement.

Applicants respectfully submit that the pending claims comply with 35 U.S.C. § 112, first paragraph. The Examiner asserts that no drug has been found which is effective in treating all types of cardiovascular diseases, restenosis, hypertension, cerebral infarction, atherosclerosis, myocardial infarction, platelet aggregation, congestive heart failure, renovascular disease, diabetes, diseases resulting from oxidative stress, endothelial dysfunction, cirrhosis, osteoporosis, nephropathy and a disease resulting from elevated levels of gamma-glutamyl transpeptidase. Applicants disagree with the Examiner's assertion. However in order to further prosecution, the claims have been limited to renovascular diseases.

In view thereof Applicants respectfully request that the rejection under this provision be withdrawn.

II. First Rejection under 35 U.S.C. § 102

Claims 1-6, 14-18 and 27 are rejected under 35 U.S.C. § 102(b) as being anticipated by Repolles Moliner et al (US 6,800,612).

Applicants respectfully traverse the rejection and respectfully submit that the amended claims are not anticipated by Repolles Moliner. In particular, Applicants note that the definition for "U₃" in independent claim 1 has been changed from the original definition of "U₃ is independently an oxygen, -S(O)_o- or -N(R_a)R;_i" to the new definition of "U₃ is oxygen". Hence the compounds of Formula (I) of the present invention contain either a -OH group or a -ONO₂ group.

Repolles Moliner discloses compounds that are directed to novel penicillamine or glutathione compounds that contain a nitrosothiol group (i.e. -SNO). Repolles Moliner does not disclose or suggest the glutamic acid compounds of the present invention that contain a -OH group or a -ONO₂ group. Additionally, Repolles Moliner does not provide any motivation for one to substitute a -SNO group with a -OH group or a -ONO₂ group in the glutamic acid compounds of the present invention.

The glutamic acid compounds of the invention are not disclosed in Repolles Moliner and are structurally different from the penicillamine or glutathione compounds described in Repolles Moliner. Additionally, there is no motivation for one skilled in the art to make the claimed glutamic acid compounds based on the teachings in Repolles Moliner.

In view thereof, Applicants respectfully submit that the claims of the present invention are not anticipated by and are unobvious over Repolles Moliner, and respectfully request the rejection under 35 U.S.C. §.102 be withdrawn.

III. Second Rejection under 35 U.S.C. § 102

Claims 1-6, 14-18 and 27 are rejected under 35 U.S.C. § 102(b) as being anticipated by Garvey et al (WO 03/013432).

Applicants respectfully traverse the rejection and respectfully submit that the claims are not anticipated by Garvey. Garvey discloses organic nitrate compounds that contain a disulfide group (Formula I) or compounds that are cysteine or methionine derivatives. Garvey does not disclose or suggest the nitrosated glutamic acid compounds of the invention. Garvey does not provide any motivation for one to modify the glutamic acid compounds of the present invention to organic nitrate compounds that contain a disulfide group or to nitrosated cysteine or methionine derivatives.

The glutamic acid compounds of the invention are not disclosed in Garvey and are structurally different from the nitrosated disulfide, cysteine or methionine compounds described in Garvey. Additionally, there is no motivation for one skilled in the art to make the claimed nitrosated glutamic acid compounds based on the teachings in Garvey.

In view thereof, Applicants respectfully submit that the claims of the present invention are not anticipated by and are unobvious over Garvey, and respectfully request the rejection under 35 U.S.C. § 102 be withdrawn.

IV. Third Rejection under 35 U.S.C. § 102

Claims 1-6, 14-18 and 27 are rejected under 35 U.S.C. § 102(b) as being anticipated by Scaramuzzino, Giovanni (EP 1336602).

Applicants respectfully traverse the rejection and respectfully submit that the claims are not anticipated by Scaramuzzino. Scaramuzzino discloses a multitude of complex organic nitrate compounds, and it is unclear from the Examiner's comments which compounds are believed to fall within the range of Applicant's compounds. The assertion that the Scaramuzzino compounds have the same structure and a few of the variables may overlap with Applicants' compounds does not constitute a proper disclosure of the nitrosated glutamic acid compounds of the invention.

The glutamic acid compounds of the invention are not disclosed in Scaramuzzino and are structurally different from the compounds described in Scaramuzzino. Additionally, there is no motivation for one skilled in the art to make the claimed glutamic acid compounds based on the teachings in Scaramuzzino.

In view thereof, Applicants respectfully submit that the claims of the present invention are not anticipated by and are unobvious over Scaramuzzino, and respectfully request the rejection under 35 U.S.C. § 102 be withdrawn.

V. Conclusion

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Application No. 10/573,030
Amendment dated March 18, 2009
Reply to Office Action of December 19, 2008

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Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-0219, under Order No. 0102258.00175US2 from which the undersigned is authorized to draw.

Respectfully submitted,

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